

Remarks/Arguments

Claims 1-9 are pending in the application. Of the above claims, claims 2 and 6 are cancelled. Claims 1, 3-5 and 7-9 are rejected. Claims 5-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims accordingly to clearly identify what applicant intends to claim in order to obviate the basis and thus overcome the rejection. Claims 1, 3, 4 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Nadeau (US Pat. #6,363,328). Claims 5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nadeau (US Pat. #6,363,328) in view of Abe (US Pat. #5,758,300).

Independent claims 1 and 5 have been amended, and support for the amendments to these claims is drawn from dependent claim 9, as well as paragraphs [0026 - 0028] of Applicant's Specification as provided in U.S. Patent Pub. No. 2007/0185605 A1. Claim 9 has been cancelled, and no new matter has been entered. The rejections will be addressed in turn below. Furthermore, Applicant has submitted copies of all foreign Office Actions and rejections (and accompanying translations, if applicable) issued by Foreign Patent Offices and Authorities throughout the course of the prosecution proceedings of all corresponding foreign and international versions of the instant Application in addition to a supplemental Information Disclosure Statement listing all the references both cited and relied upon as the basis for any Foreign rejections.

Independent claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by Nadeau. Applicant cannot agree, because none of the cited references, alone or in combination, disclose

each and every limitation of amended independent claim 1. Independent claim 1, as amended, requires, in part, the steps of "selectively actuating the hand held control to transfer information regarding a meat product being processed from the meat processing machine to the hand held control wherein an operator views the information from the meat processing machine that has been transmitted to the hand held control on the screen of the hand held control". None of the cited references disclose the steps of selectively operating a hand held control to transfer information regarding a meat product being processed from the meat processing machine to the hand held control.

In contrast, Nadeau discloses a meat probe apparatus 10/meat probe 42 which has a variety of switches 60, 62, 64 & 66 connected to an information processing station 20 and a power source 28/light source/fluorescent detection system 26 via cables 12, 22, 18 wherein UV radiation is provided to the probe 42 to measure various properties of the meat being penetrated by the probe 42 and the detected fluorescent intensity detected by the probe 42 is transmitted to a central processor 30 for recordation and analysis. (col. 5, line 20 - col. 10, line 44; See Figs. 1 & 2). However, Nadeau fails to disclose a meat processing machine having a touch screen and provides no teaching of meat probe 42 being operatively associated with a touch screen of a meat processing machine, being selectively actuated to transfer meat processing information from a meat processing machine to the probe or that meat probe 42 has a screen for viewing the information transmitted to the probe from a meat processing machine, as required by amended independent claim 1.

Abe is unable to cure Nadeau to meet these limitations of amended independent claim 1, because Abe similarly does not

teach this limitation. Instead, Abe discloses a diagnosis system for motor vehicles which includes a portable diagnosing apparatus/hand held CPU A, an electronic control unit D of a vehicle C and a host computer B. A service mechanic inputs an item of data to be read out into the key board 37 of the portable diagnosing apparatus A to be transmitted to the engine control unit 2 of the vehicle's electronic control unit D before such data is transmitted back to the portable diagnosing apparatus A and optionally sent to the host computer B. (See col. 3, line 55 - col. 6, line 18; See Figs. 1 - 3). Abe provides no disclosure of portable diagnosing apparatus A being operatively associated with a meat processing machine or, specifically, the touch screen of the meat processing machine, or that portable diagnosing apparatus A is selectively actuated to transfer information regarding a meat product being processed from a meat processing machine to the portable diagnosing apparatus A, as required by amended claim 1. Therefore, the cited references fail to combine to meet the limitations of Applicant's amended claim 1, and Applicant thus respectfully requests that the rejections be withdrawn. Furthermore, because claims 3 & 4 depend upon independent claim 1, either directly or indirectly, Applicant respectfully requests that the rejections of these claims be withdrawn, at the very least due to their dependency upon independent claim 1.

Independent claim 5 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Nadeau in view of Abe. Applicant cannot agree, because none of the cited references, alone or in combination, disclose each and every limitation of amended independent claim 5. Independent claim 5, as amended, requires, in part, the steps of "a hand held control that has a screen and that is operatively associated with the touch screen

of the meat processing machine such that information regarding a meat product being processed is transferred from the meat processing machine to the hand held control by selectively actuating the hand held control". None of the cited references disclose a hand held control that has a screen and is operatively associated with the touch screen of a meat processing machine to transfer information regarding a meat product being processed from the meat processing machine to the hand held control.

In contrast, Nadeau discloses a meat probe apparatus 10/meat probe 42 which has a variety of switches 60, 62, 64 & 66 connected to an information processing station 20 and a power source 28/light source/fluorescent detection system 26 via cables 12, 22, 18 wherein UV radiation is provided to the probe 42 to measure various properties of the meat being penetrated by the probe 42 and the detected fluorescent intensity detected by the probe 42 is transmitted to a central processor 30 for recordation and analysis. (col. 5, line 20 - col. 10, line 44; See Figs. 1 & 2). Nadeau fails to disclose a meat processing machine having a touch screen and provides no teaching of meat probe 42 being operatively associated with a touch screen of a meat processing machine, being selectively actuated to transfer meat processing information from a meat processing machine to the probe or that meat probe 42 has a screen, as required by amended independent claim 5.

Abe is unable to cure Nadeau to meet these limitations of amended independent claim 5. Instead, Abe discloses a diagnosis system for motor vehicles which includes a portable diagnosing apparatus/hand held CPU A, an electronic control unit D of a vehicle C and a host computer B. A service mechanic inputs an item of data to be read out into the key board 37 of the

portable diagnosing apparatus A to be transmitted to the engine control unit 2 of the vehicle's electronic control unit D before such data is transmitted back to the portable diagnosing apparatus A and optionally sent to the host computer B. (See col. 3, line 55 - col. 6, line 18; See Figs. 1 - 3). Abe provides no disclosure of portable diagnosing apparatus A being operatively associated with a meat processing machine or, specifically, the touch screen of the meat processing machine, or that portable diagnosing apparatus A is selectively actuated to transfer information regarding a meat product being processed from a meat processing machine to the portable diagnosing apparatus A, as required by amended claim 5. Therefore, the cited references fail to combine to meet the limitations of Applicant's amended claim 5 and Applicant thus respectfully requests that the rejections be withdrawn. Furthermore, because claims 7 & 8 depend upon independent claim 5, either directly or indirectly, Applicant respectfully requests that the rejections of these claims be withdrawn, at the very least due to their dependency upon independent claim 5.

Finally, none of the references cited by the Foreign Patent Offices and Authorities disclose the foregoing limitations of amended independent claims 1 and 5, and thus, based upon the above remarks and arguments, amended independent claims 1 and 5 overcome the rejections present in the attached Office Actions and Proceedings advanced by the Foreign Patent Offices.

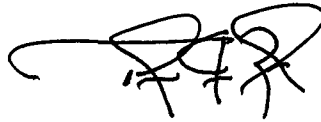
CONCLUSION

In view of the foregoing remarks, Applicant submits that claims 1, 3 - 5 and 7 & 8 are in condition for allowance, and courteously solicits the same.

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Zarley', with a stylized flourish extending from the left.

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